



# LAND USE COMMISSION

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM  
OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT

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February 2, 2022

TO: Parties of DR21-76  
Kekaha Agriculture Association

SUBJECT: Land Use Commission Briefs Requested at the Dec. 23, 2021 Hearings  
on Docket No. DR21-75

Pursuant to its decision on December 23, 2021, the LUC requests that the parties present position statements regarding the following matters for deliberation by the commissioners. All Briefs with regard to this matter should be provided to the Commission by close of business, Wednesday, March 30, 2022.

All Parties brief:

1. Who is the appropriate applicant in this matter-ADC or KAA or another organization?
2. In the ADC's Supplemental Testimony and references: ADC 1.31.2018 board meeting minutes filed with the LUC on 12.17. 2021 – it was stated:

“...although the ADC manages these lands, the fee simple interest in and to the lands remain the State of Hawai'i through its Board of Land and Natural Resources, therefore simultaneous with this request that the ADC has requested that the Land Board also approve the KAA'S proposal action”

  - (a) Since BLNR holds the fee interest of the land, is it required that BLNR provide written approval of the IAL petition?
  - (b) Is the characterization of the fee interest contained in this paragraph still accurate?
3. The Executive Order number 4007 signed by acting governor James Aiona, filed with the LUC on 12/17/21 which delegates various public land used for Agriculture to be under the control and management of Agribusiness Development Cooperation. What powers or authority over the land are thereby granted to ADC

4. What is the distinction between management authority granted on state lands vs. fee simple ownership?
5. Does the State have an obligation to designate its lands that qualify as Important Agriculture Land (IAL) all at once, or if it can be done in a piecemeal manner?
6. Is there a right to intervention in IAL proceedings for individual parcels and/or for State designation of its lands IAL?

If you have any questions, please call me Daniel Orodener at 808-587-3822.

Sincerely,



Daniel E. Orodener  
Executive Officer

cc: Mary Alice Evans, State Office of Planning and Sustainable Development  
Alison Kato, Esq., State Deputy Attorney General  
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Laura Barzilai, Esq., Corporation Counsel  
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